

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

FILED

SEP 18 2020

CARMELO REEDER SHIN
CLERK U.S. DISTRICT COURT
BY: Carrie James
DEPUTYIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)a Nokia cell phone, model TA-1218,
Serial Number (S/N) AARMSTH006060212475

Case No. MJ-20-465 -P

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated by reference herein.

located in the Western District of Oklahoma, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. § 846	Drug Conspiracy
21 U.S.C. § 841(a)(1)	Manufacturing, possessing, distributing and selling of controlled substances

The application is based on these facts:
 See attached Affidavit, which is incorporated by reference herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

DAVID WARDLAW, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

9/18/20

City and state: Oklahoma City, Oklahoma


Judge's signature

GARY M PURCELL, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

DESCRIPTION OF DEVICE TO BE SEARCHED

Nokia cell phone, model TA-1218, Serial Number (S/N) AARMSTH006060212475, found during the September 16, 2020 search of 1221 SW 22nd St., Apartment 4, Oklahoma City, Oklahoma, and presently at FBI Oklahoma, located at 3301 W Memorial Rd., Oklahoma, Oklahoma, which is depicted below:



Handwritten signature
✓

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Electronically stored information including, but not limited to, the phone directory and/or contacts list, calendar, text messages, multi-media messages, e-mail messages, call logs, photographs, and videos.

A handwritten signature in black ink, followed by a blue ink checkmark or similar mark.

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, David Wardlaw, Special Agent with the Federal Bureau of Investigation (FBI), having been duly sworn, depose and state as follows:

1. I have been employed as a Special Agent with the FBI since January 2015. I am currently assigned to the Oklahoma City Division, where I have been involved in a wide variety of investigative matters, including numerous investigations targeting large criminal enterprises, most of which involved the unlawful distribution of narcotics in violation of 21 U.S.C. §§ 841(a)(1) and 846. Prior to joining the FBI, I was a Texas Peace Officer in Pearland, Texas, from June 2008 through September 2010. In that capacity, I investigated a variety of crimes, including: drug crimes, robberies, burglaries, assaults, family violence disputes, and various other criminal activities. As part of my investigative experience as an FBI Special Agent, I have executed search and arrest warrants, conducted physical surveillance, coordinated controlled purchases with confidential sources, analyzed records documenting the purchase and sale of illegal drugs, and spoken with informants and subjects, as well as other local and federal law enforcement officers, regarding

the manner in which drug distributors obtain, finance, store, manufacture, transport, and distribute their illegal drugs.

2. I am submitting this Affidavit in support of a search warrant authorizing a search of three cellular telephones—(1) a **Nokia cell phone, model TA-1218, Serial Number (S/N) AARMSTH006060212475** (hereinafter **SUBJECT PHONE 1**); (2) a **Samsung Galaxy S10+ cellphone, unknown serial number, black front and light blue backing** (hereinafter **SUBJECT PHONE 2**); and (3) a **Samsung Galaxy S20 cell phone, model SM-G988U, Serial Number (S/N) R3CN50HJQ6J** (hereinafter **SUBJECT PHONE 3**); (collectively, the **SUBJECT PHONES**)—as further described in **Attachment A**, which is incorporated into this Affidavit by reference. The FBI in Oklahoma City has custody of the **SUBJECT PHONES** in Oklahoma City, Oklahoma. I am submitting this Affidavit in support of a search warrant authorizing a search of the **SUBJECT PHONES** for the items specified in **Attachment B** hereto, wherever they may be found, and to seize all items in **Attachment B** as instrumentalities, fruits, and evidence of the aforementioned crimes.

3. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search

warrant. The information contained in this Affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records.

BACKGROUND OF INVESTIGATION

4. On September 16, 2020, Oklahoma City Police Department executed a search warrant at 1221 SW 22nd St., Apartment #4, Oklahoma City, Oklahoma (the RESIDENCE). Upon execution, Tomas Garcia (GARCIA) was located inside and was the sole occupant of the RESIDENCE. GARCIA had on his person **SUBJECT PHONE 1**. The search of the RESIDENCE resulted in a seizure of \$253,020 in U.S. Currency, as well as approximately 46.2 kilograms (total package weight) of a crystal-like substance which field tested positive for methamphetamine. The RESIDENCE was a one-bedroom apartment with minimal furnishings. Inside the only bedroom was an air mattress, TV and stand, along with some of GARCIA's personal effects. GARCIA's single bedroom had one closet which is where the above-referenced methamphetamine and the U.S. Currency were located. During the search, **SUBJECT PHONE 2** was located inside the bedroom lying on GARCIA's air mattress, and **SUBJECT PHONE 3** was located inside GARCIA's bedroom on the TV stand.

5. GARCIA was taken into custody by the FBI and transported to Logan County Jail. The **SUBJECT PHONES**, the methamphetamine, and U.S. Currency were seized by investigators and checked into Oklahoma City FBI Evidence Control Room.

6. Based upon my training and experience, I am aware that individuals involved in trafficking illegal narcotics often use cell phones to maintain contact with other co-conspirators, including suppliers, transporters, distributors, and purchasers of illegal narcotics. Such cell phones and their associated memory cards commonly contain electronically stored information which constitutes evidence, fruits, and instrumentalities of drug trafficking offenses including, but not limited to, the phone directory and/or contacts list, calendar, text messages, e-mail messages, call logs, photographs, and videos. This is particularly true in a case like this, where such a sizeable amount of both drugs and money was recovered. It is patent that GARCIA was no “street-level dealer,” and was therefore undoubtedly communicating both with high-volume buyers, as well as his source of supply, using cellular phones—a common tool of the trade for drug traffickers.

7. Based on the above information, there is probable cause to believe that violations of 21 U.S.C. §§ 841(a)(1) have occurred, and that evidence, fruits, and instrumentalities of these offenses are located on the **SUBJECT PHONES**. Therefore, I respectfully request that this Court issue a search

warrant for the **SUBJECT PHONES**, described in **Attachment A**,
authorizing the seizure of the items described in **Attachment B**.



DAVID K. WARDLAW
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 18th day of September, 2020.



GARY M. PURCELL
United States Magistrate Judge

ATTACHMENT A

DESCRIPTION OF DEVICE TO BE SEARCHED

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AMB

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Electronically stored information including, but not limited to, the phone directory and/or contacts list, calendar, text messages, multi-media messages, e-mail messages, call logs, photographs, and videos.

A handwritten signature in black ink, appearing to be "AmB" with a stylized flourish underneath.